

From: Martin, Charles

Sent: Monday, October 16, 2006 2:52 PM

To: 'Biddix, Wade - Richmond, VA'

Cc: Carter, Ken - Richmond, VA; Myers, John - Richmond, VA; Fanning, EJ - Richmond, VA; Newman, Allen; Daub, Eleanore; Schneider, Jutta; Pollock, Alan

Subject: RE: TMDL Report for Straight Creek in Lee County

Thanks Wade!

Charles Martin

Watershed Programs Section

Office of Water Quality Programs

Virginia Department of Environmental Quality

Email: chmartin@deq.virginia.gov

Phone: (804) 698-4462

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-----Original Message-----

From: Biddix, Wade - Richmond, VA [<mailto:Wade.Biddix@va.usda.gov>]

Sent: Monday, October 16, 2006 2:43 PM

To: Martin, Charles

Cc: Carter, Ken - Richmond, VA; Myers, John - Richmond, VA; Fanning, EJ - Richmond, VA

Subject: TMDL Report for Straight Creek in Lee County

Charles,

NRCS has reviewed the proposal from the Virginia Coalfields TMDL Group to conduct a Use Attainability Analysis on Straight Creek in Lee County. We offer the following comments:

Much of the "Documentation" provided is speculation. The basic questions in establishing "reasonable grounds" for allowance of a Use Attainability Analysis for aquatic life use in Straight Creek, Lee County, Virginia seems to be two-fold.

- 1) Is there sufficient evidence of pre-mining stream conditions, and
- 2) Is there evidence of recent recovery of an aquatic community in segments of Straight Creek from historic or recent disturbances which would support the supposition that there is a reasonable potential for the development of an aquatic community?

If the answer is yes, the question really becomes "What type of aquatic community is possible under current conditions, if pollutant stressors are reduced?"

NRCS has been assisting Lee County, the Daniel Boone SWCD and the Virginia Department of Mines, Minerals and Energy with Watershed Planning on the North Fork Powell River for the past year or so. Substantial evidence already exists, based on recent observations by NRCS personnel, that a recovering aquatic community exists in a segment of Straight Creek that runs through the Community of St. Charles. Numerous forage fish species, aka. minnows, occupy that stream segment and support at least one blue heron. This aquatic community exists after a few brief years following a "blackwater discharge" from coal slurry ponds. Fish and wildlife species are opportunistic, and can often, on observation, provide a useful indicator of what is possible. To say that the aquatic life use goal in Straight Creek is not attainable does not seem to follow the implication of recent observations.

Straight Creek in 2010 may not attain the aquatic community status it supported in 1890, even under TMDL implementation, but it seems to be working hard on its own to reestablish some facsimile of that former aquatic community.

We are developing a watershed plan for the North Fork Powell River Watershed that would address some of the acid mine drainage problems as well as severely eroding areas. We strongly believe that

improved watershed conditions will have a positive impact on the aquatic resources and overall water quality in the watershed. We are banking on the future condition of this watershed to improve with project implementation.

If you have any questions regarding these comments, please give E.J. Fanning, NRCS Environmental Specialist, a call at (804) 287-1636.

Thanks for the opportunity to comment.

Wade Biddix
Assistant State Conservationist (Water Resources)
USDA - NRCS
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229

From: Carter, Ken - Richmond, VA
Sent: Wednesday, October 11, 2006 10:42 AM
To: Biddix, Wade - Richmond, VA; Myers, John - Richmond, VA
Subject: FW:

From: Martin, Charles [mailto:chmartin@deq.virginia.gov]
Sent: Wednesday, October 11, 2006 9:21 AM
To: tyounos@vt.edu; bsmith@hunton.com; Chris Imbrogno (E-mail); Chris@AquaLaw.com; jackson23111@aol.com; lland@vaco.org; lsmock@mail1.vcu.edu; Mohn, Keith; Roth, Richard A; Wilmer Stoneman; Bill Street; Bill Tanger; Dink Shackelford; Carter, Ken - Richmond, VA; Mike Gerel; Rick Parrish; Skip Stiles; Stacey Brown; Steve Carlos; Tom Botkins; Tommy Hudson; Will Bullard
Cc: gjo@mme.state.va.us; clunsford@dcr.state.va.us; GOLD.PETER@epamail.epa.gov; Daub, Elleanore; Smigo, Warren; Newman, Allen; Schneider, Jutta; Pollock, Alan
Subject:

Earlier this year, EPA approved a TMDL report for Straight Creek (Lee County) that identified excessive sedimentation and total dissolved solids as the pollutants responsible for the degradation and impairment of the benthic community in the stream. DEQ has recently received a proposal from the Virginia Coalfields TMDL Group to conduct a Use Attainability Analysis on Straight Creek.

In order to help determine if there are reasonable grounds indicating that the attainment of the aquatic life use in Straight Creek is not feasible, we are now seeking public comment on the documentation provided by the Group. We especially would like to hear from you as members of Virginia's TMDL Ad Hoc Group. A public notice was issued on October 6th, with the comment period extending through November 9th, 2006. Both the public notice and the supporting documentation are attached for your convenience.

If you have any questions, please contact me at the number below or DEQ's water quality standards coordinator Elleanore Daub at (804) 698-4111.

Charles Martin
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Virginia Department of Environmental Quality

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